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2 THE HONORABLE DAVID G. ESTUDILLO  
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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

9 ANTHONY HUFF-MCKAY, an individual,

10 Plaintiff,

11 v.

12 CITY OF TACOMA, a Washington local  
13 government entity; KHANH PHAN, an  
14 individual,

Defendants.

NO. 3:24-cv-05104-DGE-MLP

STIPULATION AND [PROPOSED] ORDER  
ALLOWING PLAINTIFF TO FILE  
AMENDED COMPLAINT

NOTE ON MOTION CALENDAR:  
MARCH 26, 2024

15 Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff Anthony Huff-McKay,  
16 and Defendants City of Tacoma and Khanh Phan (collectively, “Defendants”) through their  
17 undersigned counsel, hereby stipulate as follows:

18 **WHEREAS** on January 19, 2024, Plaintiff filed their original Complaint for Damages in  
19 Pierce County Superior Court against Defendants, and then filed their First Amended Complaint  
20 for Damages with the same Court on January 26, 2024.

21 **WHEREAS** on February 7, 2024, Defendants filed a Notice of Removal of Civil Action  
22 from State Court, attaching a copy of Plaintiff’s First Amended Complaint.

23 **WHEREAS** Plaintiff seeks to file their Second Amended Complaint for Damages.

24  
25 STIPULATION AND [PROPOSED] ORDER ALLOWING  
PLAINTIFF TO FILE AMENDED COMPLAINT - 1

(No. 3:24-cv-05104-DGE-MLP)

**OSBORN MACHLER**  
2025 1<sup>st</sup> Ave., Ste. 1140  
Seattle, WA 98121  
(206) 441-4110 (Tel)  
(206) 441-4220 (Fax)

1           **WHEREAS** a copy of Plaintiff's proposed Second Amended Complaint for Damages is  
2 attached hereto as **Exhibit "A."**

3           **IT IS HEREBY STIPULATED**, by and between Plaintiff and Defendants, by and  
4 through their respective counsel, that:

5           1. Plaintiff should be granted leave to amend to file their Second Amended  
6           Complaint for Damages, a copy of which is attached hereto as **Exhibit "A."**  
7           2. Defendants agree to accept service of the Second Amended Complaint  
8           electronically.  
9           3. Defendant's responsive pleading shall be due thirty (30) days after the Second  
10           Amended Complaint for Damages is filed.

12           DATED: March 26, 2024

**OSBORN MACHLER, PLLC**

13           By /s/Austin Neff  
14           Susan Machler, WSBA 23256  
15           Simeon J. Osborn, WSBA #14484  
16           Austin J. Neff, WSBA #57059  
17           Attorneys for Plaintiffs

17           DATED: March 26, 2024

18           TACOMA CITY ATTORNEY

19           By /s/Michelle Yotter  
20           Michelle N. Yotter, WSBA No. 49075  
21           Civil Division

22           STIPULATION AND [PROPOSED] ORDER ALLOWING  
23           PLAINTIFF TO FILE AMENDED COMPLAINT - 2

24           (No. 3:24-cv-05104-DGE-MLP)

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## ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

**IT IS HEREBY ORDERED** that Plaintiff is granted leave to amend to file their First

Amended Complaint for Damages, a copy of which is attached hereto as **Exhibit “A.”**

**IT IS ALSO ORDERED** that Defendant's responsive pleading shall be due thirty (30) days after the Second Amended Complaint for Damages is filed.

## IT IS SO ORDERED

Dated this 28th day of March, 2024.

W. J. Peterson

**MICHELLE L. PETERSON**  
United States Magistrate Judge

STIPULATION AND [PROPOSED] ORDER ALLOWING  
PLAINTIFF TO FILE AMENDED COMPLAINT - 3

(No. 3:24-cv-05104-DGE-MLP)

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